

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of:)	
)	
Public Safety and Homeland Security Bureau)	PS Docket No. 12-94
Seeks Comment on Transition Process for 700)	
MHz Public Safety Broadband Waiver)	
Recipients)	

**COMMENTS OF
THE NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS COUNCIL**

The National Public Safety Telecommunications Council (NPSTC) submits these Comments in response to the Commission Public Notice in the above-captioned proceeding.¹ In these comments, NPSTC encourages the Commission to take appropriate steps consistent with the legislation to provide a continued opportunity for at least the current BTOP-related waiver jurisdictions and waiver jurisdictions that have expended other funds to move forward with early build-out of an interoperable broadband network to meet the needs of public safety. The experience gained through waiver deployments can assist FirstNet in developing and implementing its plan to deploy a nationwide interoperable public safety broadband network.

While the legislation requires the Commission to transfer the license for the public safety broadband spectrum to FirstNet, that organization has not yet been stood up. Accordingly, there is no entity yet in place to take on the responsibilities that the Public Safety Spectrum Trust (PSST) has held. The public safety community including law enforcement, fire and emergency medical services has repeatedly advised of the need to expedite the availability of broadband operations that meet

¹ Public Notice: Public Safety and Homeland Security Bureau Seeks Comment on Transition Process for 700 MHz Public Safety Broadband Waiver Recipients, DA 12-555, released April 6, 2012.

public safety needs. Therefore, NPSTC recommends the Commission use appropriate mechanisms, such as issuance of special temporary authorizations, to avoid disrupting the progress being made in at least the BTOP jurisdictions and waiver jurisdictions that have expended other funds toward providing public safety with interoperable broadband capabilities. These mechanisms need to be in place until FirstNet becomes the licensee of the public safety broadband spectrum and has a meaningful opportunity to consider whether to lease its spectrum to these jurisdictions. Once FirstNet is stood up, the responsibility for any further decisions regarding waiver deployments will rest with FirstNet pursuant to the legislation.

There will be a number of advantages for continued early deployments. Given the requirements in the legislation and the complexity of planning and contracting for a nationwide network, it is likely to be at least two years before FirstNet can begin deployment. Current waiver jurisdiction deployments can help fill the gap, and be a useful part of the nationwide network and contribute valuable information to assist FirstNet in moving forward to meet both public safety and Congressional requirements.

The National Public Safety Telecommunications Council

The National Public Safety Telecommunications Council is a federation of public safety organizations whose mission is to improve public safety communications and interoperability through collaborative leadership. NPSTC pursues the role of resource and advocate for public safety organizations in the United States on matters relating to public safety telecommunications. NPSTC has promoted implementation of the Public Safety Wireless Advisory Committee (PSWAC) and the 700 MHz Public Safety National Coordination Committee (NCC) recommendations. NPSTC explores technologies and public policy involving public safety telecommunications, analyzes the ramifications of particular issues and submits comments to

governmental bodies with the objective of furthering public safety telecommunications worldwide.

NPSTC serves as a standing forum for the exchange of ideas and information for effective public safety telecommunications.

The following 15 organizations participate in NPSTC:

- American Association of State Highway and Transportation Officials
- American Radio Relay League
- Association of Fish and Wildlife Agencies
- Association of Public-Safety Communications Officials-International
- Forestry Conservation Communications Association
- International Association of Chiefs of Police
- International Association of Emergency Managers
- International Association of Fire Chiefs
- International Municipal Signal Association
- National Association of State Chief Information Officers
- National Association of State Emergency Medical Services Officials
- National Association of State Foresters
- National Association of State Technology Directors
- National Emergency Number Association
- National Sheriffs' Association

Several federal agencies are liaison members of NPSTC. These include the Department of Homeland Security (the Federal Emergency Management Agency, the Office of Emergency Communications, the Office of Interoperability and Compatibility, and the SAFECOM Program; Department of Commerce (National Telecommunications and Information Administration); Department of the Interior; and the Department of Justice (National Institute of Justice, CommTech Program). NPSTC has liaison relationships with associate members, the Telecommunications Industry Association, the Canadian Interoperability Technology Interest Group, the National Council of Statewide Interoperability Coordinators and the Utilities Telecom Council.

NPSTC Comments

The Commission recently released a Public Notice seeking comment on the transition process for 700 MHz public safety broadband waiver recipients. In the Notice, the Commission references the requirements contained in the Middle Class Tax Relief and Job Creation Act of 2012 (The Act).

The Act directs the Commission to reallocate the 700 MHz D block spectrum in the 758-763/788-793 MHz band for public safety. It further directs the Commission to assign a license for both the D block and the adjacent public safety broadband spectrum in the 763-769/793-799 MHz band to the First Responder Network Authority (FirstNet) to be established within the National Telecommunications and Information Administration (NTIA).

The Notice raises multiple questions whose answers can impact the overall fate of a current waiver jurisdiction's authority to continue moving forward to contribute to deployment of broadband interoperable solutions that serve the public safety communities in their respective areas. This is especially important for those current waiver jurisdictions that have dedicated significant time and resources to plan, pursue funding, issue RFP's, contract for and/or deploy broadband facilities. Should transition policy decisions have the effect of denying those current waiver jurisdictions the authority to move forward, those resources and efforts expended will go to waste, and most of that waste will be at the taxpayer's expense.

NPSTC appreciates the Commission's speed in addressing these important questions. Overall, NPSTC recommends the Commission make transition policy decisions that provide at least the current BTOP waiver jurisdictions and waiver jurisdictions that have expended other funds to move forward continued authority for early buildouts. Transition decisions could be conditioned on FirstNet's discretion, once it is the licensee of the public safety broadband spectrum, whether and under what conditions it would lease its spectrum to these jurisdictions to permit continued deployments.²

The experience gained through current waiver deployments can actually assist FirstNet in developing and implementing its plan to deploy a nationwide interoperable public safety broadband

² Of particular concern with the transition are reports from BTOP grantees and other 700 MHz waiver grantees that NTIA is encouraging them to stop any LTE deployment.

network. The Jobs Act establishes requirements for FirstNet to coordinate with states on their requirements as part of the process of planning the nationwide network. Current waiver deployments by states and their local jurisdictions can provide real-world experience to help inform both states' input and FirstNet's planning.

Given the complexity of planning and deploying a broadband network nationwide, FirstNet officials should be grateful for the information that can come from current waiver jurisdiction early deployments. There will obviously be a significant amount of necessary "paper planning" involved for the nationwide network. However, there is no substitute for hands-on experience. This is especially true when taking on a project as massive and complex as deploying a nationwide broadband network that must exhibit the coverage, capacity, reliability, resiliency, prioritization and quality of service required to serve public safety requirements.

Given the legislative direction to stand up the FirstNet Board and an associated advisory committee, receive input from the FCC's Interoperability Board, administer planning grants to states, develop a technical and business plan to deploy the network, provide states with pertinent information so they can make informed decisions whether to "opt-in" or seek to "opt-out," issue RFPs, select vendors, and finalize contracts to deploy the network, etc., it is likely to be a minimum of two years before First Net even can begin actual deployment of the nationwide network. Even then, there is no guarantee which jurisdictions would be the first to receive service or how long it will take to complete the various phases of deployment across the country.

Waiver deployments allow public safety agencies who have the capabilities and resources to move forward to experience broadband communications during that time, rather than waiting yet another two years or longer for the important communications tools broadband can support. This experience can help solidify real-world requirements for the FirstNet system, highlight interoperability use cases that move beyond the lab environment and provide a view of viable broadband business models. FirstNet's focus is on public safety communications, not on making a

profit as in a commercial network. However, there must still be an assessment of business models and operational expenses required to sustain the network once deployed.

NPSTC views current waiver jurisdiction deployments simply as an early part of the nationwide network. While some adjustments may need to be made to integrate waiver deployments into the nationwide network once it begins to be deployed, NPSTC views the risk of moving forward to be relatively small. The legislation requires FirstNet to deploy commercial technology. Major commercial operators at 700 MHz have committed to LTE. The public safety community, multiple vendors, and the Commission previously endorsed LTE as the interoperability standard and current waiver jurisdictions are required to use LTE.

Equipment being implemented complies with the 3GPP LTE standard and will interoperate or integrate with the nationwide network, unless First Net deviates from LTE standards or best practices. Accordingly, any risk associated with current waiver jurisdictions that deploy prior to FirstNet decisions should be minimal. LTE also allows a number of upgrades through software and/or firmware. The risk of having NO broadband communications until FirstNet is established, finalizes its plan, selects vendors and starts deploying is a much greater risk to public safety and Homeland Security. The record before the Commission in the public safety broadband proceeding is replete with example upon example of how a broadband network will provide public safety with communications tools to help save lives, increase homeland security and protect property.

The cost of equipment is amortized over a period of time that represents its usable lifetime. For those jurisdictions able to do so, moving forward with waiver deployments now is very likely to provide at least two additional years of usable equipment life before FirstNet even starts deploying. That time could extend to even more years, depending on the jurisdiction and FirstNet's rollout plan.

A number of current waiver jurisdictions have moved forward to obtain funding, either through BTOP grants or other sources. The BTOP program, as well as other funding sources that support public safety and homeland security represents a complementary set of objectives to the

public safety legislation. It would be very unfortunate if waiver transition policies resulted in the loss of these BTOP funds or other funding obtained by waiver jurisdictions. These funds serve as a useful supplement to the D block legislation funding, which is only \$2B near-term, and \$7B total over a span of time dictated by spectrum auctions in other bands yet to be scheduled.

Current waiver grantees also were required to enter into a de facto spectrum lease agreement with the Public Safety Spectrum Trust (PSST). The Notice indicates that the current leases expire in September 2012, shortly after the August 2012 Congressional deadline for NTIA to establish the FirstNet Board. Thus, these leases will expire along with PSST's license, as the FCC assigns a new license to FirstNet by the August deadline. However, FirstNet will need a reasonable amount of time after becoming the licensee to consider how to address the current waiver jurisdictions. Accordingly, NPSTC recommends the Commission issue special temporary authorizations to at least the current BTOP waiver jurisdictions and those jurisdictions that have moved forward toward deployment with other funding sources. These special temporary authorizations should be issued to include some reasonable amount of time after FirstNet becomes the spectrum licensee.

Conclusion

In summary, the Commission should take appropriate administrative steps to permit at least the current BTOP waiver grantees and waiver jurisdictions with other funding that have the means and interest to continue to have authority for build-outs. These steps could be conditioned on subsequent determination by FirstNet to extend new spectrum leases to these jurisdictions. These current waiver jurisdiction build outs can help inform FirstNet, while providing broadband service to public safety in waiver areas at least two years before FirstNet is likely to be able to start deployments.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Ralph A. Haller", with a long, sweeping horizontal line extending to the right.

Ralph A. Haller, Chairman

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